

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR NO. 1:17-R-1235 WJ-6

MARCUS TAYLOR

Defendant,

**RESPONSE TO COURT'S ORDER TO SHOW CAUSE AND IMPOSITION OF
SANCTIONS [Doc.564]**

COMES NOW undersigned counsel Keith Romero and per Court order and hereby submits his response to the Court's Order to Show Cause [Doc.564] and as grounds he states:

1. Undersigned counsel first. extends his deepest apologies to all parties for his non-appearance at Sentencing on May 21, 2021, in particular Mr. Taylor and Co-Counsel Mr. Hannum
2. Prior to the May 21, 2021, undersigned counsel had asked. Co-Counsel Mr. Hannum to be present at the sentencing hearing.
3. There had been extensive discussion between undersigned counsel, counsel Hannum and defendant prior to the hearing regarding sentencing issues and argument in support of the Court's acceptance of this Rule 11(c)1(c) agreement between the government and the defendant.

4. Undersigned counsel in no way takes lightly the Court's assertions in its Order to Show Cause regarding the Federal and Local Rules and the importance of counsel's role and obligations under those rules at Sentencing.
5. Counsel admits that Mr. Hannum was correct in his representation to the Court regarding the whereabouts of Mr. Romero. That was the fault of undersigned counsel by not informing him of his impromptu non-appearance.
6. Undersigned counsel had an unanticipated non-related client matter that required his prompt attention and he assumed that the sentencing would be able to proceed seamlessly with at Mr. Hannum.
7. However, it was presumptuous and unprofessional of undersigned counsel to make such an assumption. Counsel accepts full responsibility for this and offers his sincerest apologies to the Court and all parties for this casual assumption.
8. It is not lost on undersigned counsel the gravity and nature of this case, particularly as it pertains to the sentencing exposure. Undersigned counsel has been involved in this case since its inception and is very appreciative of the plea offer agreed upon by the government. It has been a hard-fought case.
9. However, insofar as any violation of Mr. Taylor's rights as a violation of the rules enumerated in the Court's order, counsel submits that, Mr. Taylor's interests were properly represented vis-a-vis counsel, by and through Mr. Hannum with the input and preparation of both he and undersigned counsel well in advance of the May 21, 2021, sentencing date.
10. Mr. Romero has had numerous opportunities to speak with defendant regarding the sentencing process, the pre-sentence report, sentencing strategies and materials

submitted by both the government and defendant, and the strategy to be advanced on his behalf.

11. Undersigned counsel and co-Counsel Hannum have had numerous conversations prior to sentencing regarding sentencing issues and factors and the proposed sentence. Mr Hannum has been fundamentally and deeply involved in the sentencing preparation process.
12. It was Mr. Hannum who ultimately drafted and submitted a Sentencing Memorandum on behalf of the defendant.
13. Also, Mr. Taylor has appeared at previous hearings during the pendency of this case with Mr. Hannum alone, and without the presence of undersigned counsel. A level of comfort and confidence existed in the relationship between Mr Hannum and defendant that was indicated in his willingness to proceed to sentencing with Mr. Hannum alone.
14. Counsel has had a made it a regular practice of appearing punctually and regularly to all hearings before the Court. In this instance, counsel exercised poor, albeit aberrant, judgement in his decision to not appear and allow co-counsel Hannum and defendant to proceed without him.
15. Counsel acknowledges that CJA appointed counsel is a high calling worthy of a higher level of practice and professionalism than demonstrated by counsel the day of May 21, 2021, at sentencing.

WHEREFORE, undersigned counsel asks the Court to make a finding that no sanctions are warranted and ask the Court to rescind its Order to Show Cause for the above stated reasons. Otherwise, counsel understands and accepts any decision the Court may order.

Respectfully submitted,

/s/ Keith R. Romero

_Keith R. Romero

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I hereby certify that I electronically filed
foregoing with the Clerk of the Court
using the CM/ECF system to all parties.

/s/ Keith R. Romero

Attorney for Defendant